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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/666,217  | 09/18/2003  | Adrian C. Soncodi    | 1497/8/2            | 8473             |
| 25297   | 7590        | 09/12/2008           | EXAMINER            |                  |
| JENKINS, WILSON, TAYLOR & HUNT, P. A.<br>Suite 1200 UNIVERSITY TOWER<br>3100 TOWER BLVD.,<br>DURHAM, NC 27707 |             |                      | HARPER, KEVIN C     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2616                |                  |
|   |             |                      | MAIL DATE           | DELIVERY MODE    |
|   |             |                      | 09/12/2008          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/666,217             | SONCODI ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Kevin C. Harper        | 2616                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 May 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/08</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

***Response to Arguments***

Applicant's arguments, filed May 27, 2008 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shaffer in view of White and Gordon.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 5-9, 15-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 2005/0058061) in view of White et al. (US 6,731,678) and Gordon (US 4,993,014).

1. Regarding claims 1-2, 5-9, 15-17 and 20-21, Shaffer discloses a redundant telephony call processing system comprising active and standby telephony call processing hosts (figs. 1 and 5, items 108; para. 5) and a LAN (item 101) for carrying messages for the processing hosts. Further regarding claim 15, N=1 and a third backup processing host is provided (para. 22, last four lines).

2. However, Shaffer does not specifically disclose that the processing hosts are geographically distributed on the LAN. White discloses a LAN geographically distributed among several buildings (col. 12, lines 43-45) and Gordon discloses providing geographically distributed network control nodes (col. 10, lines 49-52). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have geographically distributed

processing hosts in the invention of Shaffer in order to prevent a point failure from affecting both hosts (Gordon, col. 10, lines 49-52).

Claims 3-4 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 2005/0058061) in view of White et al. (US 6,731,678) and Gordon (US 4,993,014) as applied to claim 1 or 15 above, and in further view of Glitho et al. (US 2002/0160810).

3. Regarding claim 3-4 and 18-19, Shaffer in view of White and Gordon does not disclose SIP proxy servers or media gateway controllers. However, Glitho recognizes that control devices such as SIP proxy servers, media gateway controllers and H.323 gatekeepers are interchangeable (para. 20). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a SIP server or a media gateway controller in the invention of Shaffer in view of White and Gordon in order to provide a controller compatible with a particular signaling or control protocol as is known in the art (Glitho, para. 20).

Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 2005/0058061) in view of White et al. (US 6,731,678) and Gordon (US 4,993,014) as applied to claim 9 above, and in further view of Westfall et al. (US 6,976,087).

4. Regarding claims 10-14, Shaffer in view of White and Gordon does not disclose separated LAN segments. Westfall discloses separated LAN segments joined by routers. The segments have different IP subnets. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have separate LAN segments in the invention of Shaffer in view of White and Gordon in order to interconnect private LAN segments (Westfall, col. 5, lines 5-6).

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 2005/0058061) in view of White et al. (US 6,731,678), Gordon (US 4,993,014), Westfall et al. (US 6,979,087) and Chien et al. (US 2002/0165972).

5. Regarding claims 22-23, Shaffer in view of White and Gordon and Westfall disclose a method for routing packets among between geographically separate processing hosts as noted in the rejection of claims 10-14 above. However, Shaffer in view of White, Gordon and Westfall does not disclose using masking to route packets. Chien discloses using subnet masks to route data packets (para. 60). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use masking in the invention of Shaffer in view of White, Gordon and Westfall in order to properly route data within the network (Chien, para. 60).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost, can be reached at 571-272-7872. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/

Primary Examiner, Art Unit 2616

September 10, 2008